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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
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14 HIDDEN EMPIRE HOLDINGS,  
15 LLC; a Delaware limited liability  
16 company; HYPER ENGINE, LLC;  
17 a California limited liability  
18 company; DEON TAYLOR, an  
19 individual,

20 **Plaintiffs,**

21 **v.**

22 DARRICK ANGELONE, an  
23 individual; AONE CREATIVE  
24 LLC, formerly known as AONE  
25 ENTERTAINMENT LLC, a  
26 Florida limited liability company;  
27 ON CHAIN INNOVATIONS  
28 LLC, a Florida limited liability  
company,

**Defendants.**

Case No. 2:22-cv-06515-MWF(AGR<sub>x</sub>)

The Honorable Michael W. Fitzgerald,  
United States District Judge

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW DENYING  
TERMINATING SANCTIONS**

1 On February 5, 2024, Plaintiffs Hidden Empire Holdings, LLC, Hyper  
2 Engine, LLC, and Deon Taylor (collectively “Plaintiffs”) filed a Motion for Order  
3 to Show Cause as to Why Sanctions Should Not Be Imposed Against Defendants  
4 Darrick Angelone, AOne Creative, LLC, and On Chain Innovations, LLC  
5 (collectively, “Defendants”) for Violating the Preliminary Injunction and Spoliation  
6 of Evidence (the “Motion”). Defendants filed an Opposition on February 26, 2024.  
7 (Docket No. 118). Plaintiffs filed a Reply on March 4, 2024. (Docket No. 126).  
8 Plaintiffs also filed a Supplement to the Reply on March 6, 2024. (Docket No.  
9 131). Defendants also filed a Sur-Reply on March 6, 2024. (Docket No. 133).

10 The Motion came on for hearing on March 4, 2024. The Court subsequently  
11 held an evidentiary hearing on April 9, 2024.

12 Having carefully reviewed the record and the arguments of counsel, as  
13 presented at the hearing and in the parties’ written submissions, the Court makes  
14 the following Findings of Fact and reaches the following Conclusions of Law under  
15 Rule 52 of the Federal Rules of Civil Procedure. Any Finding of Fact that  
16 constitutes a Conclusion of Law is also hereby adopted as a Conclusion of Law,  
17 and any Conclusion of Law that constitutes a Finding of Fact is also hereby adopted  
18 as a Finding of Fact.

19 As noted in Paragraphs 33 and 34, this Motion is no longer a request for  
20 coercive sanctions to achieve compliance, *i.e.*, “pay \$10,000 a day until you do  
21 something.” The Motion now is a request for terminating sanctions as punishment  
22 for prior alleged violations of the Preliminary Injunction. Through its Findings of  
23 Fact and Conclusions of Law, the Court **DENIES** the Motion and declines to  
24 impose terminating sanctions.

## I. FINDINGS OF FACT

### A. The Parties

1. Plaintiff Hidden Empire Holdings, LLC (“HEFG”) is an independent film studio operated by Plaintiffs Deon Taylor and Roxanne Taylor (the “Taylors”). (Complaint (Docket No. 1) ¶ 3). Plaintiff Hyper Engine LLC is the branding and marketing agency for HEFG and was founded and operated by the Taylors. (*Id.* ¶ 4).

2. Plaintiffs allege that Angelone is an individual residing in Los Angeles, California, and is a managing member of AOne Creative, LLC (“AOne”) and On Chain Innovations, LLC (“On Chain”). (*Id.* ¶ 8). Plaintiffs allege that they retained Defendants as an independent contractor to design, develop, and manage their websites and related media properties. (*Id.* ¶ 16).

3. Based on allegations arising out of a breakdown in the parties’ relationship, Plaintiffs commenced this action on September 12, 2022, alleging five claims against Defendants: (1) violation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(a)(2)(c), (a)(5); (2) copyright infringement, 17 U.S.C. § 501; (3) violation of California’s Comprehensive Computer Data Access and Fraud Act, California Penal Code section 502; (4) breach of contract; and (5) conversion. (*See generally id.*).

### B. The Preliminary Injunction

4. On September 30, 2022, shortly after the Complaint was filed, the Court issued an Order (the “PI Order” (Docket No. 25)) granting Plaintiffs’ request for a preliminary injunction after finding that Defendants “hijacked control over Plaintiffs’ email accounts, social media, and website domains in an attempt to force Plaintiffs to formalize a partnership agreement with Defendants.” (PI Order at 2). The Court also found that Defendants had control over ten domain names (the “Domains”) that Angelone had acquired on Plaintiffs’ behalf. (*Id.* at 15).

1           5.     The Court subsequently issued a Preliminary Injunction (Docket No.  
2 26) ordering Defendants to comply with the following conditions: (1) to refrain  
3 from accessing, using, or transferring (other than to Plaintiffs) the Domains and  
4 social media, email, and website accounts at issue; (2) to provide to Plaintiffs login  
5 credentials (*e.g.*, usernames and passwords) and administrator rights credentials  
6 (*e.g.*, usernames and passwords) associated with the Domains and social media,  
7 email, and website accounts at issue; (3) to transfer to Plaintiffs, on or before  
8 October 6, 2022, at 5:00 p.m. PST, access, control, ownership, and/or registration  
9 of the Domains and all social media, email, and website accounts at issue that  
10 include the name “Hidden Empire”; and (4) to refrain from publicly utilizing,  
11 promoting, advertising, marketing, or selling a video game or NFTs based on or  
12 associated with the movie titled “Fear” produced by Plaintiffs. (Preliminary  
13 Injunction at 2–6).

14           **C.     The Motion**

15           6.     On February 5, 2024, Plaintiffs filed the Motion contending that  
16 Angelone failed to comply with the Preliminary Injunction and deleted  
17 electronically stored information in violation of his discovery obligations.  
18 Specifically, the Motion argued that Angelone violated the Preliminary Injunction  
19 by (a) accessing, deleting, and failing to provide access to Plaintiffs’ Google  
20 Workspace account; (b) failing to transfer the Domains; (c) transferring the  
21 @hiddenempirefg Twitter account (now known as X) to an individual named  
22 “Jacky Jasper” instead of to Plaintiffs; (d) failing to refrain from or provide access  
23 to the @hiddenempirefg Twitter account; and (e) failing to refrain from or provide  
24 access to the @hiddenempirefilmgroup Instagram account. (Motion at 17). In  
25 support of the Motion, Plaintiffs attached declarations from two experts from FTI  
26 Consulting, Inc. (“FTI”), Erin Burke and Alex Izen. (*See* Declaration of Erin Burke  
27 (“Burke Decl.”) (Docket No. 111-4); Declaration of Alex Izen (“Izen Decl.”)  
28

1 (Docket No. 111-3); Supplemental Declaration of Erin Burke (“Supp. Burke  
2 Decl.”) (Docket No. 126-2)).

3 7. In response, Defendants argued that Plaintiffs did not have sufficient  
4 evidence that Angelone deleted the Google Workspace account and that Angelone  
5 substantially complied with the Preliminary Injunction. (Opp. at 4–6). Defendants  
6 primarily relied on two declarations filed by Angelone on October 10, 2022 (the  
7 “Angelone PI Decl.”) (Docket No. 28)), and February 26, 2024 (the “Angelone  
8 Sanctions Decl.”) (Docket No. 121)), and a rebuttal expert report by Rick Watts  
9 (the “Watts Report”) (Docket No. 123)). In his report, Mr. Watts did not offer an  
10 alternative explanation for the deletion of the Google Workspace account.

11 8. Defendants’ counsel subsequently filed a declaration stating that all the  
12 Domains were now in the Taylors’ possession. (*See* Declaration of Sandra Calin  
13 Regarding Transfer of the Domains (the “Calin Decl.”) (Docket No. 147) ¶¶ 4–5).  
14 Based on this representation, only the Google Workspace account, the Twitter  
15 account, and the Instagram account remain at issue.

16 9. Because there were factual issues in dispute, the Court issued an Order  
17 scheduling an evidentiary hearing for April 9, 2024. (*See* Amended Order Re:  
18 Evidentiary Hearing (Docket No. 146)). At the evidentiary hearing, the Court heard  
19 testimony from Ms. Burke and Mr. Watts.

20 **D. The Google Workspace Account**

21 10. Google Workspace is a “collection of productivity tools offered by  
22 Google,” which includes email, file storage, and word processing. (Burke Decl.  
23 ¶ 12). When signing up for a business account, the registrant enters the domain  
24 name to be used with the Google Workspace account. (*Id.* ¶ 13). The registrant  
25 can then add individual user accounts (*i.e.*, for employees) to access the Google  
26 Workspace account. (*Id.*).

27 11. In this instance, Angelone was the creator of Plaintiffs’ Google  
28 Workspace account and therefore was the administrator of the account. (*Id.* ¶ 24;

1 *see also* Preliminary Injunction Order at 3). Angelone used the  
2 “hiddenempirefilmgroup.com” domain when creating the Google Workspace  
3 account at issue. (Burke Decl. ¶ 13).

4 12. On September 6, 2022, Angelone’s administrator privileges were  
5 revoked due to a dispute between the parties regarding ownership of the Google  
6 Workspace account and the underlying domain. (*Id.* ¶¶ 26–33).

7 13. After the Court issued the Preliminary Injunction, Ms. Burke and  
8 Angelone discussed transferring the Google Workspace account to Roxanne Taylor.  
9 (*Id.* ¶¶ 34–36). To complete the transfer, Plaintiffs needed information from  
10 Angelone in order to respond to the Google Workspace account’s security  
11 questions. (*Id.* ¶¶ 29–36). When asked to provide answers to the security  
12 questions, Angelone wrote that he did not feel “comfortable” providing the  
13 information. (*Id.* ¶ 37, Ex. 18).

14 14. Because Roxanne Taylor could not provide responses to the security  
15 questions, Google reverted the account back to its original settings. (*Id.* ¶¶ 38, 41,  
16 Ex. 16; *see also* Declaration of Roxanne A. Taylor (“Taylor Decl.”) (Docket No.  
17 111-1) ¶ 15). Angelone’s administrator privileges were therefore reinstated on  
18 October 7, 2022. (Burke Decl. ¶ 38, Ex. 53; *see also* Watts Report ¶ 35).

19 15. On October 10, 2022, at approximately 7:33 p.m. PST, Roxanne  
20 Taylor received an email advertising a “free trial” of a Google Workspace account  
21 for the “hiddenempirefilmgroup.com” domain. (Taylor Decl. ¶ 16, Ex. 11).  
22 Believing that the email provided an alternate means of gaining access to the  
23 Google Workspace account, Roxanne Taylor attempted to login by using a link  
24 provided in the email. (*Id.* ¶ 16). Upon logging in, however, Roxanne Taylor  
25 discovered that the link took her to a *new* Google Workspace account, which did  
26 not contain Plaintiffs’ business emails, records, and files from the *old* account.  
27 (Taylor Decl. ¶¶ 16–17; *see also* Burke Decl. ¶ 40).

28

1           16. Roxanne Taylor attempted to recover the files from the old account by  
2 communicating with Google’s support team. In a correspondence dated October  
3 27, 2022, a Google employee informed her that the “deletion [was] performed by  
4 the existing admin” of the Google Workspace account and that there was “no  
5 possibility” to restore the deleted data. (Burke Decl. ¶ 41, Ex. 14).

6           17. In another correspondence, dated November 1, 2022, a Google  
7 employee informed Roxanne Taylor that “[t]he deletion of [the] old account was  
8 performed by the existing super administrator and only [the] administrator can  
9 delete the account because [the] administrator has the all [*sic*] control over the  
10 Google workspace but not any user.” (*Id.*, Ex. 15).

11           18. In the course of her investigations, Ms. Burke discovered that the  
12 activity history (the “Audit Logs”) for the new Google Workspace account showed  
13 “historical snippets” from the old account. (*Id.* ¶ 44),

14           19. The oldest entry in the Audit Logs is timestamped for October 10,  
15 2022, at 7:32 p.m. PST—just prior to Roxanne Taylor receiving the “free trial”  
16 email. That entry shows that Roxanne Taylor’s individual user account was  
17 disabled by a user at the following IP address: 2603:8000:df00:988f:90b8:f0ce:  
18 ab97:3f8d. (*Id.*). Based on evidence in the record, including documents produced  
19 by Charter (a third-party internet service provider), that IP address is tied to  
20 Angelone’s residence. (*See id.* ¶ 47, Ex. 60; Watts Report ¶ 44).

21           20. At the evidentiary hearing, Ms. Burke testified that it was her opinion  
22 that Angelone deleted the Google Workspace account. Ms. Burke testified that her  
23 opinion was based on: (1) the fact that Angelone was the sole administrator and that  
24 Google’s stated that the Google Workspace account had been “deleted by the prior  
25 administrator”; and (2) the Audit Logs indicating that someone using the IP address  
26 associated with Angelone accessed the Google Workplace account shortly before it  
27 was deleted. However, Ms. Burke conceded that the mere fact that this IP address  
28



1 appears on the Audit Logs does not mean that Angelone himself logged into the  
2 Google Workspace account.

3 21. When asked how Angelone could have deleted the Google Workspace  
4 account if there is no evidence that he ever logged into the account, Ms. Burke  
5 explained that there could be a scenario where the Audit Logs did not accurately  
6 reflect all login information. However, Ms. Burke noted that she could not  
7 speculate on how this could occur and noted that it was a question better suited for  
8 Google.

9 22. Ms. Burke also conceded that it was possible that someone else, such  
10 as Google, deleted the Google Workspace account, but testified that there was no  
11 evidence supporting this theory.

12 23. At the evidentiary hearing, Mr. Watts testified that Google was the  
13 administrator for the Google Workplace account from September 6, 2022, through  
14 October 7, 2022.

15 **E. The Twitter Account**

16 24. On September 30, 2022, an FTI employee monitoring the  
17 @hiddenempirefg Twitter account on behalf of Plaintiffs noticed that the account  
18 had disappeared. (Izen Decl. ¶ 16). When searching for “Hidden Empire” on  
19 Twitter’s website, the results brought up an account for AOne under the handle  
20 @darrickdidit. (*Id.* ¶ 17).

21 25. On October 5, 2022, Ms. Burke sent Angelone an email asking him to  
22 transfer the @hiddenempirefg Twitter account. Angelone responded that same day,  
23 writing that the Twitter account had been suspended for copyright issues. (Burke  
24 Decl. ¶ 68, Ex. 26). When asked to share the suspension notification from Twitter,  
25 Angelone stated that he had not received one. (*Id.* ¶ 69, Ex. 27). When  
26 subsequently asked to share the password for the account, Angelone sent an invalid  
27 password. (*Id.*)  
28



1           26. On February 1 and April 18, 2023, Plaintiffs' counsel served two  
2 subpoenas on Twitter, seeking account information pertaining to the @darrickdidit  
3 and @hiddenempirefg Twitter accounts. (Hinkle Decl. ¶ 7, Exs. 54–55). Twitter  
4 produced documents showing that the @darrickdidit account was deleted on  
5 November 4, 2022. (*Id.* ¶ 8, Ex. 56 at 9). Twitter's records also showed that, on  
6 January 12, 2023, someone using the email "jacky.jasper@gmail.com" created a  
7 new Twitter account using the @hiddenempirefg handle. (*Id.* at 4). That account  
8 was accessed with an IP address that matched the one Angelone had previously  
9 used to log into his Google Workspace account. (*Id.* at 6; Burke Decl. ¶ 73).

10           **F. The Instagram Account**

11           27. On October 5, 2022, Angelone provided Ms. Burke with the username  
12 and password for the @hiddenempirefilmgroup Instagram account. (*Id.* ¶ 74).

13           28. Ms. Burke discovered that the Instagram account was protected by  
14 two-factor authentication. (*Id.*). Instagram's two-factor authentication is a  
15 mechanism that is used to protect an account in the event of credential set  
16 compromise. (*Id.* ¶ 75). The two-factor authentication process requires a user to  
17 input not only the username and password but also a confirmation code to gain  
18 access to the account. (*Id.*). Typically, in order to get the confirmation code, the  
19 two-factor authentication process requires input of an email address, a cell phone  
20 number, or use of an authenticator application. (*Id.*).

21           29. When attempting to log into the Instagram account, Ms. Burke was  
22 met with the two-factor authentication process and told that the confirmation code  
23 was sent to the following email address: s\*\*\*\*\*@h\*\*\*\*\*.com. (*Id.* ¶ 76).

24           30. On October 11, 2022, Ms. Burke asked Angelone to identify the partial  
25 email address used for two-factor authentication. (*Id.* ¶ 77, Ex. 28). In response,  
26 Angelone stated that he was unable to identify this email address. (*Id.*).

1           31. On October 13, 2022, Angelone sent an email to Ms. Burke claiming  
2 that he was unable to access or change the verification email address receiving the  
3 confirmation code in order to permit access. (*Id.* ¶ 78).

4           32. Plaintiffs were ultimately able to gain access to the Instagram account.  
5 (*Id.* ¶ 79).

## 6                                   II. CONCLUSIONS OF LAW

### 7           A. Civil Contempt

8           33. Plaintiffs request the Court to hold Defendants in civil contempt for  
9 violating the Preliminary Injunction with respect to the Google Workspace account,  
10 the Domains, the Twitter account, and the Instagram account. Specifically,  
11 Plaintiffs seek an order holding Defendants in civil contempt and issuing  
12 terminating sanctions, a coercive daily fine of \$2,500 to ensure the transfer of the  
13 Domains, and a compensatory fine consisting of attorneys' fees and costs. (*See*  
14 Proposed Order (Docket No. 110-2) at 3).

15           34. The issue of coercive sanctions is no longer at issue because  
16 Defendants have transferred the Domains to Plaintiffs' possession. (*See* Calin Decl.  
17 ¶¶ 4–5). As such, the Court only addresses Defendants' alleged violation of the  
18 Preliminary Injunction with respect to the Google Workspace account, the Twitter  
19 account, and the Instagram account.

20           35. Federal courts have both inherent and statutory authority to punish  
21 contempt and to coerce compliance with their orders. *Int'l Union, UMWA v.*  
22 *Bagwell*, 512 U.S. 821, 831–32 (1994); 18 U.S.C. § 401(3) (authorizing a court to  
23 punish contempt of its authority for disobedience with or resistance to a lawful  
24 order).

25           36. For issuance of a contempt order, the movant must establish “(1) that  
26 [the contemnor] violated the court order, (2) beyond substantial compliance, (3) not  
27 based on a good faith and reasonable interpretation of the order, (4) by clear and  
28 convincing evidence.” *Labor/Cnty. Strategy Ctr. v. L.A. Cnty. Metro. Transp.*

1 *Auth.*, 564 F.3d 1115, 1123 (9th Cir. 2009). “The contempt ‘need not be willful,’  
2 and there is no good faith exception to the requirement of obedience to a court  
3 order.” *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695  
4 (9th Cir. 1993).

5 37. “Clear and convincing evidence requires greater proof than  
6 preponderance of the evidence.” *Sophanthavong v. Palmateer*, 378 F.3d 859, 866  
7 (9th Cir. 2004). “To meet this higher standard, a party must present sufficient  
8 evidence to produce ‘in the ultimate factfinder an abiding conviction that the truth  
9 of its factual contentions are . . . highly probable.’” *Id.* (citing *Colorado v. New*  
10 *Mexico*, 467 U.S. 310, 316 (1984)); *see also* 9th Cir. Civ. Jury Instr. 1.7 (“When a  
11 party has the burden of proving any claim or defense by clear and convincing  
12 evidence, it means that the party must present evidence that leaves you with a firm  
13 belief or conviction that it is highly probable that the factual contentions of the  
14 claim or defense are true.”).

15 38. Based on the evidence presented in the parties’ written submissions  
16 and at the evidentiary hearing, the Court concludes that Plaintiffs have not met their  
17 burden of showing, by clear and convincing evidence, that Angelone deleted the  
18 Google Workspace account. Significantly, nothing in the record indicates that  
19 Angelone accessed the Google Workspace account when it was deleted. (*See Watts*  
20 *Report* ¶¶ 44–46). Even Ms. Burke conceded that nothing in the Audit Reports  
21 showed that Angelone himself logged into the Google Workspace account when it  
22 was deleted.

23 39. The only remaining evidence on which Plaintiffs rely is Google’s  
24 correspondence with Roxanne Taylor stating that a prior administrator deleted the  
25 Google Workspace account. (*See Burke Decl.* ¶ 41, Exs. 14, 15). But a few pieces  
26 of vague correspondence from an unknown Google employee, on their own, fall  
27 short of the “clear and convincing” standard required to show contempt. Something  
28 more is required. Plaintiffs, for example, failed to present any testimony from

1 Google regarding the correspondence, nor did they sufficiently rule out the  
2 possibility that Google (or someone else) accidentally deleted the account. This is  
3 especially true given that Google served as a temporary administrator for the  
4 account.

5 40. While the Court recognizes that Plaintiffs have presented *some*  
6 circumstantial evidence that Angelone deleted the Google Workspace account,  
7 “mere suspicions do not add up to clear and convincing evidence.” *In re Moore*,  
8 739 F.3d 724, 731 (5th Cir. 2014); *see also Sunburst Prods., Inc. v. Derrick Law*  
9 *Co., Ltd.*, 1991 WL 1523, at \*8 (9th Cir. Jan. 9, 1991) (unpublished) (affirming the  
10 district court’s finding that the plaintiff failed to establish infringement in violation  
11 of the preliminary injunction due to the plaintiff’s “total reliance on a consumer  
12 survey” that the defendant argued was flawed); *TriPharma, LLC v. First Fruits*  
13 *Bus. Ministry*, No. SACV 12-404-JVS (ANx), 2013 WL 12131288, at \*3 (C.D. Cal.  
14 Jan. 4, 2013) (finding that ambiguous evidence of infringement failed to meet the  
15 clear and convincing standard).

16 41. With respect to the @hiddenempirefg Twitter account, the Court  
17 concludes that the evidence presented by Plaintiffs fails to show that Angelone  
18 deactivated or transferred the Twitter account. Again, the evidence is merely  
19 suggestive and highly ambiguous at best.

20 42. As to the @hiddenempirefilmgroup Instagram account, Plaintiffs  
21 contend that Angelone failed to authorize the two-factor authentication to allow  
22 Plaintiffs to access the account. (Motion at 14–15). However, because there is no  
23 dispute that Angelone provided Plaintiffs with the login credentials and that  
24 Plaintiffs were ultimately able to access the Instagram account, the Court concludes  
25 that Angelone substantially complied with the Preliminary Injunction.

26 43. Accordingly, the Court concludes that Plaintiffs have not met their  
27 burden of demonstrating that Angelone violated the Preliminary Injunction. The  
28 Court declines to take the drastic measure of essentially adjudicating this action on

1 the merits by striking the Answer (Docket No. 29) and Counterclaims (Docket No.  
2 30), as requested by Plaintiffs, based on such thin evidence of contempt.

3 **B. Spoliation of Evidence**

4 44. Plaintiffs also request that the Court find that the deletion of the  
5 Google Workspace account constitutes spoliation of evidence. Again, Plaintiffs  
6 request terminating and compensatory sanctions.

7 45. Federal Rule of Civil Procedure 37(e) authorizes broad sanctions,  
8 including terminating sanctions, “[i]f electronically stored information that should  
9 have been preserved in the anticipation or conduct of litigation is lost because a  
10 party failed to take reasonable steps to preserve it, and it cannot be restored or  
11 replaced through additional discovery.” Fed. R. Civ. P. 37(e).

12 46. “[T]he bare fact that evidence has been altered or destroyed does not  
13 necessarily amount to spoliation of evidence. Instead, courts require three elements  
14 before imposing spoliation sanctions: (1) that the party having control over the  
15 evidence had an obligation to preserve it at the time it was destroyed; (2) that the  
16 records were destroyed with a culpable state of mind; and (3) that the evidence was  
17 relevant to the party’s claim or defense.” *Odeh-Lara v. Synchrony Bank*, No. CV  
18 19-2446 PSG (AGRx), 2021 WL 8086854, at \*2 (C.D. Cal. Oct. 12, 2021) (citing  
19 *Reinsdorf v. Sketchers U.S.A., Inc.*, 296 F.R.D. 604, 625 (C.D. Cal. 2013) (internal  
20 quotation marks omitted)). Courts in the Ninth Circuit have required the movant to  
21 show spoliation by a preponderance of the evidence. *See, e.g., RG Abrams Ins. v.*  
22 *Law Offices of C.R. Abrams*, 342 F.R.D. 461, 502 (C.D. Cal. Nov. 2, 2022) (citing  
23 cases); *MGA Ent., Inc. v. Harris*, No. CV 20-11548-JVS (AGRx), 2023 WL  
24 2628225, at \*2 (C.D. Cal. Jan. 5, 2023).

25 47. Although the Motion presents a closer question under the  
26 preponderance standard, the Court concludes that Plaintiffs have not shown that  
27 Angelone deleted the Google Workspace account, let alone whether he did it  
28 intentionally. Both the Audit Reports and Google’s correspondence are insufficient

1 for the reasons already discussed. The only remaining evidence offered by  
2 Plaintiffs is Angelone's status as a prior administrator of the Google Workplace  
3 account. The Court concludes that this fact is insufficient to show that it was more  
4 likely than not that Angelone engaged in spoliation and to provide grounds for  
5 terminating or compensatory sanctions.

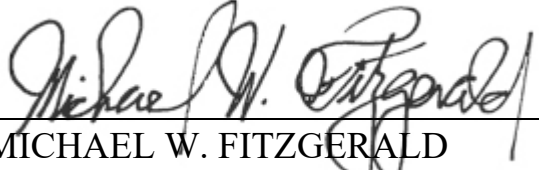
6 48. Accordingly, the Court concludes that Plaintiffs have not met their  
7 burden of showing spoliation of evidence.

### 8 **III. CONCLUSION**

9 49. The Court finds that Plaintiffs have not met their burden of showing  
10 that Defendants' conduct violated the terms of the Preliminary Injunction or that  
11 Defendants deleted the Google Workspace Account in violation of their discovery  
12 obligations. Accordingly, the Motion is **DENIED *without prejudice***. Of course,  
13 any future violations of the Preliminary Injunction could lead to imposition of  
14 sanctions either to coerce compliance or as punishment.

15 **IT IS SO ORDERED.**

16  
17  
18 Dated: July 17, 2024

19   
MICHAEL W. FITZGERALD  
United States District Judge